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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

The United States, by and through its attorneys, McGregor W. Scott, United States Attorney for the Eastern District of California, and Kymberly A. Smith, Assistant U.S. Attorney for said district, hereby moves to dismiss without prejudice the Indictment currently pending against the defendant, STEPHEN STEWART, pursuant to Rule 48 of the Federal Rules of Criminal Procedure.

DATED: October 27, 2005 Respectfully Submitted,
McGREGOR W. SCOTT
United States Attorney

By: /s/ Kymberly A. Smith
KYMBERLY A. SMITH
Assistant U.S. Attorney

IT IS SO ORDERED:

/s/ Edward J. Garcia
HONORABLE EDWARD J. GARCIA
UNITED STATES DISTRICT COURT JUDGE